

118TH CONGRESS  
2D SESSION

# S. 3864

To amend the Public Health Service Act to provide for congenital  
Cytomegalovirus screening of newborns.

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IN THE SENATE OF THE UNITED STATES

MARCH 5, 2024

Mr. BLUMENTHAL (for himself, Mr. MARSHALL, and Mr. MURPHY) introduced  
the following bill; which was read twice and referred to the Committee  
on Health, Education, Labor, and Pensions

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## A BILL

To amend the Public Health Service Act to provide for  
congenital Cytomegalovirus screening of newborns.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as “Stop CMV Act of 2024”.

5 **SEC. 2. SCREENING OF CONGENITAL CYTOMEGALOVIRUS.**

6 Part A of title XI of the Public Health Service Act  
7 is amended by inserting after section 1116 (42 U.S.C.  
8 300b–15) the following:

1 **“SEC. 1116A. SCREENING OF CONGENITAL**  
2 **CYTOMEGALOVIRUS.**

3 “(a) IN GENERAL.—Each hospital or other health  
4 care entity caring for infants who are 21 days or less of  
5 age (as designated by the Secretary) may administer, or  
6 cause to have administered, to every such infant in its care  
7 a test for congenital Cytomegalovirus in accordance with  
8 this section.

9 “(b) PROCESS.—

10 “(1) IN GENERAL.—In carrying out this sec-  
11 tion, the chief executive officer for health in each  
12 State may prescribe standards and procedures for  
13 the administration of testing under subsection (a),  
14 including recording the results of such tests, track-  
15 ing activities, conducting follow-up reviews, and car-  
16 rying out educational activities.

17 “(2) DISSEMINATION OF INFORMATION.—In  
18 carrying out this section, the chief executive officer  
19 for health in each State may prescribe standards  
20 and procedures setting forth the manner in which  
21 testing information is disseminated to a parent or  
22 guardian of the infant to be tested.

23 “(3) FAILURE TO PRESCRIBE.—If a State has  
24 not prescribed standards and procedures that are  
25 approved as provided for in paragraph (4) by the  
26 date that is 2 years after the date of enactment of

1 the Stop CMV Act of 2024, the Discretionary Advi-  
2 sory Committee on Heritable Disorders in Newborns  
3 and Children established under section 1111 (re-  
4 ferred to in this section as the ‘Advisory Com-  
5 mittee’) shall prescribe appropriate standards and  
6 procedures which may be implemented by such  
7 State.

8 “(4) REVIEW AND APPROVAL.—The standards  
9 and procedures prescribed under this subsection  
10 shall be subject to review and approval by the Advi-  
11 sory Committee. In reviewing or prescribing stand-  
12 ards and procedures as required under this sub-  
13 section, the Advisory Committee shall consider  
14 standards and procedures adopted in other States  
15 with respect to the screening of congenital  
16 Cytomegalovirus, the standards and procedures  
17 adopted in such State with respect to the screening  
18 of infants for other heritable diseases, and any sci-  
19 entific evidence the Advisory Committee considers  
20 relevant to provide for the screening of infants for  
21 congenital Cytomegalovirus.

22 “(c) GRANTS.—

23 “(1) HEALTH RESOURCES AND SERVICES AD-  
24 MINISTRATION.—

1           “(A) IN GENERAL.—The Secretary, acting  
2 through the Administrator of the Health Re-  
3 sources and Services Administration, shall  
4 award grants to States that prescribe standards  
5 and procedures in accordance with paragraphs  
6 (1) and (2), to be distributed by the States to  
7 entities described in subsection (a) to admin-  
8 ister tests in accordance with that subsection.

9           “(B) AUTHORIZATION OF APPROPRIA-  
10 TIONS.—There is authorized to be appropriated  
11 to carry out subparagraph (A) such sums as  
12 may be necessary for each of fiscal years 2024  
13 and 2025.

14           “(2) CENTERS FOR DISEASE CONTROL AND  
15 PREVENTION.—

16           “(A) IN GENERAL.—The Secretary, acting  
17 through the Director of the Centers for Disease  
18 Control and Prevention, shall award grants to,  
19 or enter into cooperative agreements with,  
20 States to provide technical assistance to State  
21 agencies or designated entities of States—

22                   “(i) to develop, maintain, and improve  
23 data collection systems relating to con-  
24 genital Cytomegalovirus; and

1           “(ii) to assist in the education and  
2           training of health care providers, patients,  
3           and the general public regarding the risk  
4           reduction or prevention, symptoms, diag-  
5           nosis, and treatment of congenital  
6           Cytomegalovirus, including, as necessary,  
7           through the publication of scientific, evi-  
8           dence-based educational materials on  
9           Internet webpages maintained by State  
10          agencies or designated entities of States.

11          “(B) AUTHORIZATION OF APPROPRIA-  
12          TIONS.—There is authorized to be appropriated  
13          to carry out subparagraph (A) such sums as  
14          may be necessary for each of fiscal years 2024  
15          and 2025.

16          “(3) NATIONAL INSTITUTES OF HEALTH.—

17                 “(A) IN GENERAL.—The Director of the  
18          National Institutes of Health shall—

19                         “(i) for the purposes of this section,  
20                         establish a program, or expand existing  
21                         programs, of research and development on  
22                         the efficacy of new screening techniques  
23                         and technology relating to congenital  
24                         Cytomegalovirus, including clinical studies

1 of screening methods, studies on efficacy of  
2 intervention, and related research; and

3 “(ii) establish a program, or expand  
4 existing programs, of research and develop-  
5 ment into congenital Cytomegalovirus  
6 diagnostics, prevention, treatments includ-  
7 ing public health awareness campaigns,  
8 risk reduction, and vaccine development,  
9 and cures or treatments (during pregnancy  
10 and after birth).

11 “(B) FUNDING.—The Director of the Na-  
12 tional Institutes of Health shall carry out sub-  
13 paragraph (A) using amounts available to the  
14 Director and not otherwise obligated.”.

15 **SEC. 3. ADVISORY COMMITTEE ON HERITABLE DISORDERS**  
16 **IN NEWBORNS AND CHILDREN.**

17 Section 1111(b) of the Public Health Service Act (42  
18 U.S.C. 300b–10(b)) is amended—

19 (1) in paragraph (7) by striking “and” after  
20 the semicolon;

21 (2) by redesignating paragraph (8) as para-  
22 graph (9); and

23 (3) by inserting after paragraph (7) the fol-  
24 lowing:

1           “(8) carry out activities under section 1116A;  
2           and”.

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